

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

v.

JAMES WAYNE HAM

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CRIMINAL NO. H-13-363

**GOVERNMENT'S MOTION TO WITHDRAW AMENDED
NOTICE OF INTENT TO SEEK THE DEATH PENALTY**

The United States of America, by and through its attorneys, moves this Court for an order withdrawing the Amended Notice of Intent to Seek the Death Penalty previously filed (Doc. 102) and hereby notifies the Court and the parties that it has elected not to seek the punishment of death against the defendant James Wayne Ham for the capital crimes charged in the Superseding Indictment (Doc. 69). Attached is the letter of the United States Attorney General, rendering the decision. This motion is unopposed. A proposed order is attached.

Respectfully submitted,

Jennifer Lowery
Acting United States Attorney

By /s/ Barry Disney
Barry K. Disney
Trial Attorney, Capital Case Section
United States Department of Justice

Jill Jenkin Stotts
Erin Epley
Assistant United States Attorneys

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on December 2, 2021, to the Electronic Filing System (CM/ECF) of the United States District Court for the Southern District of Texas for electronic delivery to all counsel of record.

/s/ Barry Disney

Barry Disney

Trial Attorney, Capital Case Section



Office of the Attorney General
Washington, D. C. 20530

November 30, 2021

Ms. Jennifer B. Lowery
Acting United States Attorney
Southern District of Texas
1000 Louisiana Street, Suite 2300
Houston, Texas 77002

Dear Ms. Lowery:

You are authorized and directed to withdraw the notice of intent to seek the death penalty against James Wayne Ham.

Sincerely,

A handwritten signature in blue ink, which appears to read "Merrick B. Garland".

Merrick B. Garland
Attorney General

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UNITED STATES OF AMERICA)

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CRIMINAL NO. H-13-363

**ORDER GRANTING GOVERNMENT’S MOTION TO WITHDRAW NOTICE
OF INTENT TO SEEK THE DEATH PENALTY**

The Court grants the Government’s Motion to Withdraw the Notice of Intent to Seek the Death Penalty and orders the Amended Notice of Intent to Seek the Death Penalty (Doc. 102) be withdrawn.

Hon. Lynn N. Hughes
United States District Judge